

**UNITED STATES GOVERNMENT
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

**AMERICAN MANAGEMENT
SERVICES CALIFORNIA INC.¹
Employer**

Case 31-RC-8441

and

**INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, LOCAL
543, AFL-CIO
Petitioner**

DECISION AND DIRECTION OF ELECTION

The International Brotherhood of Electrical Workers, Local 543, AFL-CIO (Union), filed a petition under Section 9(c) of the National Labor Relations Act, as amended, seeking to represent a unit of employees of American Management Services California Inc. (AMSC or Employer) at its facility located at Building 826 at 5th Street and South Loop Drive, Ft. Irwin, California.

The sole issue presented at the hearing is whether four classifications of employees should be included in the unit. The petitioned-for unit does not include the following four classifications of employees: (1) inspectors; (2) resident relations specialists; (3) receptionists; and (4) schedulers/work order dispatchers. The Employer contends that the employees employed in these four classifications share a sufficient community of interest with the petitioned-for unit employees that requires their inclusion in an appropriate unit.

¹ The name of the Employer appears as amended at the hearing.

The Union contends the petitioned-for unit is an appropriate unit and does not require the inclusion of any of the employees in the disputed classifications.

For the reasons set forth in Section V below, I conclude that inspectors, resident relations specialists, and the receptionist/resident relations specialist (“receptionist”) do not share a sufficient community of interest with the petitioned-for unit employees to require their inclusion in the unit. I further find that there is insufficient evidence in the record to determine whether the two schedulers/work order dispatchers (“schedulers”) share a sufficient community of interest with the petitioned-for unit employees so as to require their inclusion in an appropriate unit. Accordingly, I shall permit the two employees who are employed as schedulers to vote under challenge, if they desire to do so.

The Board has delegated its authority in this proceeding to me under Section 3(b) of the Act. Upon the entire record in this proceeding, I find:

I. HEARING OFFICER RULINGS: The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.²

II. JURISDICTION: The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction in this matter.³

² Post hearing briefs may not be filed by facsimile, Board’s Rules and Regulations § 102.114(g). The Employer filed its brief via facsimile in reliance on the hearing officer’s erroneous statement to the parties that such filing was permissible. Because the Employer relied to its detriment on the hearing officer’s representation, I accepted and considered the arguments in the Employer’s brief. The Employer’s brief did not alter my determinations in this matter.

³The Employer, American Management Services California Inc., is a Washington state corporation with a principal place of business located in Fort Irwin, California, where it is engaged in the business of providing property management and maintenance services for housing at military facilities. In the past six months, a representative period, the Employer has purchased and received goods, directly from points outside the state of California, valued in excess of \$50,000.

III. LABOR ORGANIZATION: The labor organization involved claims to represent certain employees of the Employer.

IV. QUESTION CONCERNING COMMERCE: A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of the Section 9(c)(1) and Section 2(6) and (7) of the Act.

V. APPROPRIATE UNIT: The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time maintenance employees, including maintenance technicians, senior maintenance technicians, turnover specialists 1, turnover specialists 2, turnover specialists 3, and self help attendants employed by the Employer at its facility located at Building 826 at 5th Street and South Loop Drive, Ft. Irwin, California.⁴

EXCLUDED: Office clerical employees, inspectors, resident relations specialists, receptionists/resident relations specialists, professional employees, guards and supervisors as defined in the Act, as amended.

In analyzing the issues in this case, I will first provide a brief overview of the Employer's operations. I will then specifically discuss the community of interest factors with respect to the four contested classifications of employees and the employees in the petitioned-for unit.

A. OVERVIEW OF THE EMPLOYER'S OPERATIONS

⁴ It is clear from the record that the Employer's headquarters and administrative offices are located at this address and that the Employer uses this address to describe all of its employees at Fort Irwin, regardless of which building (826 or 1318) they work out of. Further, for the reasons discussed *infra*, the two schedulers may vote subject to challenge.

The Employer manages approximately 2200 properties that house soldiers and their families at Fort Irwin in California. Property management entails customer service and financial accounting. About 90% of the work performed by the Employer at Fort Irwin is maintenance related. The Employer officially commenced its operations at Fort Irwin on March 1, 2004, though some employees were employed as early as January 2004. The Employer employs approximately 50 employees out of two buildings at Fort Irwin, California and also maintains a third building that currently is used primarily for storage.

Building 826

Building 826 is the Employer's management headquarters and offices. General Manager Rick Wimer works out of an office in Building 826 as does Community Manager/Supervisor Jennifer Fraser. Fraser supervises twelve employees who work out of Building 826. These twelve employees are grouped in the following three job classifications as follows:

- 3 inspectors
- 8 resident relations specialists
- 1 receptionist

Building 1318

Building 1318, located between one-half and one mile from Building 826, is referred to as the maintenance shop and the self help building. All of the 29 maintenance department employees are based in Building 1318, as are the maintenance director and two maintenance supervisors. Maintenance department employees are responsible for making repairs at the residential units, including problems with plumbing, electrical, air conditioning units, garbage disposals, fencing, etc. The maintenance department is headed by Maintenance Director Wes Campbell and divided into two sections, each headed by a supervisor who reports directly to Maintenance Director Campbell.

One section, headed by Maintenance Supervisor Jerry Vinson, is responsible for responding to service requests from existing tenants and procuring parts. The following nineteen employees report to supervisor Vinson:

- 9 maintenance technicians
- 2 senior maintenance technicians
- 1 turnover specialist 1
- 5 turnover specialists 3
- 1 self help attendant
- 1 scheduler.

The second section, headed by maintenance supervisor Ronnie Motley, is responsible for preparing houses for new residents after existing residents move out. The ten employees in this section who report to supervisor Motley include:

- 1 turnover specialist 1
- 3 turnover specialists 2
- 5 turnover specialists 3
- 1 scheduler.

The petitioned-for unit consists of all of the maintenance department employees under supervisor Motley and supervisor Vinson, with the exception of the two schedulers.

Maintenance procedures

From the time the Employer began its operations at Fort Irwin in March 2004 through October 15, 2004, the Employer had completed approximately 17,000 to 18,000 work orders. In that same time frame, the Employer responded to approximately 1800 move-outs by residents. The Employer's procedures for scheduling and performing maintenance at properties in response to resident requests differ from the procedures for

scheduling and performing maintenance in response to a move out. The details of these different procedures are set forth below.

When a current resident calls the Employer to report a problem with the property, the call is usually taken by one of the eight resident relations specialists who work in Building 826.⁵ The residential relations specialist will generally ask the resident a series of questions to see if the problem can be resolved easily by the resident. If the initial questions and suggestions do not solve the problem, the residential relations specialist will write up a work order on the computer and ask the resident whether the maintenance employees have permission to enter the unit on their own or need to make an appointment with the resident. If the resident desires an appointment, the resident relations specialist will check a log of all appointments and offer the resident an available morning or afternoon. After an appointment is set or the resident agrees to grant permission to enter, the resident relations specialist enters the information into the computer. One of the two schedulers (both of whom work in Building 1318) will pull up the work orders for a particular day on a computer and print them out. Schedulers or the maintenance supervisors will then assign the printed work orders to a turnover specialist or maintenance technician. The maintenance supervisors prioritize the work orders for the turnover specialists and maintenance technicians. On jobs where the resident has granted permission to enter, the maintenance employee will pick up a key to the unit from the offices located in Building 826. Maintenance employees do not have direct access to the keys, but must pick them up from the receptionist, a residential relations specialist or an inspector at Building 826. Before going to the property, the maintenance technician will stock up a truck with materials that may be needed to complete the requested maintenance. Upon arriving at the property, the maintenance technician will either check-in with the resident (where there is an appointment) or let himself into the unit with the key. After completing a maintenance job, the maintenance technicians return the completed work orders to a

⁵ The inspectors and residential relations specialists are somewhat interchangeable and often act for each other.

tray near scheduler Midi Lopez' desk in building 1318. The scheduler is responsible for entering completed work order data into the computer.

When a resident intends to move out of a property, the resident will typically provide a 30-day notice to the Employer. The resident will speak with a resident relations specialist who will set two inspection dates with the resident: a pre-inspection and a final inspection. At the pre-inspection, the inspector will meet with the outgoing resident at the property and assess the damages to the unit with the resident. The inspector will bring a copy of the file for the property from the move-in date to determine which damages were already there and which damages were caused by (and therefore will be charged to) the outgoing resident. The final inspection takes place when the resident is moving out. The inspector assesses the property to insure that there has been no further damage and records maintenance issues on a final move-out inspection checklist. Maintenance supervisor Ronnie Motley then picks up the final move-out inspection checklist and a key for the property from the office at Building 826 and takes that back to assign to a two-person team of turnover specialists. When the turnover specialists report to work, they get their assignments for the day from maintenance supervisor Motley. The turnover specialists take the key⁶ and the final inspection report to the property. The turnover specialists complete a thorough inspection of the premises, including testing plumbing, draining, appliances and electrical outlets. The turnover specialists do not know who the inspector is on any given property as there is no identification on the final move-out checklist. Nearly every time the turnover specialists conduct their inspection, they find items to repair that were not noted on the inspector's checklist. After inspecting the unit, they obtain the materials and tools necessary to perform all necessary repairs.⁷ After completing the necessary maintenance, the turnover specialists return the forms to maintenance supervisor Motley's inbox.

⁶ On occasions when there is no key with the final inspection report, the turnover specialists will go to the office in Building 826 to obtain a key from the receptionist or someone else in the office. This occurred more frequently at the beginning of the Employer's operations but occurs infrequently now.

⁷ The Employer's employees do not paint and clean the units – that work is contracted out.

B. UNIT PLACEMENT OF THE EMPLOYEES

The Board recognizes that there often is more than one way in which employees may appropriately be grouped. The Board does not require a petitioner to seek any particular appropriate unit. Rather, the Board only considers whether the unit requested is *an* appropriate unit, even if it may not be the optimum or most appropriate unit for collective bargaining. *Overnite Transportation*, 322 NLRB 723 (1996). In determining an appropriate unit in a representation case, the Board first considers the unit requested by the union and determines whether that unit is appropriate. It is only when the petitioned-for unit is *not* appropriate that the Board considers alternative units proposed by the parties. *P.J. Dick*, 290 NLRB 150, 151 (1988). Thus, it is not my role to determine whether the unit requested by the Petitioner or the broader unit proposed by the Employer would be the most appropriate unit; rather, I must determine whether the unit requested by the Petitioner is an appropriate unit.

In determining whether the unit requested by the Petitioner in this case is appropriate, the following factors relevant to the employees' community of interest must be evaluated: the extent of centralization of management, supervision and human resources functions and the similarities in the employees' terms and conditions of employment; the differences in the types of work functions and the skills of employees; the extent of functional integration of the operations; the extent of contact and interchange between employees; and the bargaining history. *Lawson Mardon U.S.A.*, 332 NLRB 1282 (2000); *Edenwald Construction Co.*, 294 NLRB 297 (1989).

(1) THE EXTENT OF CENTRALIZATION OF MANAGEMENT, SUPERVISION AND HUMAN RESOURCES FUNCTIONS AND THE SIMILARITIES IN EMPLOYEES' TERMS AND CONDITIONS OF EMPLOYMENT

General Manager Wimer, who works out of Building 826, directly supervises three managers: Facilities Director Harold Hernandez; Maintenance Director Wes Campbell; and Community Manager/Supervisor Jennifer Fraser. The inspectors, residential re-

lations specialists and receptionist are directly supervised by Jennifer Fraser, and also work out of building 826. All 29 maintenance department employees, including the two schedulers, work out of building 1318 and are directly supervised by one of two maintenance supervisors. Both maintenance supervisors report to Maintenance Director Wes Campbell, who also works out of Building 1318. There is no evidence that Fraser directs the work of any of the maintenance department employees or that the maintenance director or maintenance supervisors direct the work of employees who report to Fraser. There is no evidence that employees have been or may be disciplined by any manager or supervisor other than their direct supervisor.

At the beginning of their shift, the employees in the petitioned-for unit report to Building 1318, go to their lockers and change into gray work uniforms in a small non-private area. These employees spend most of their working hours performing necessary maintenance on the various residential units. In order to perform their job duties, employees in the petitioned-for unit use tools, including gauges, wrenches, circular saws, reciprocating saws and drills. Employees in the petitioned-for unit take their breaks and lunch either at Building 1318, in their trucks or at a restaurant; they do not take their lunch or breaks at Building 826. In the month prior to the hearing, the maintenance technicians and turnover specialists have had meetings with Maintenance Supervisor Jerry Vinson at the beginning of the shift on Mondays, Wednesdays and Fridays at Building 1318. The Employer also conducted a 45-minute training for maintenance technicians and turnover specialists on the use of their personalized digital assistants (PDAs) at a conference room in Building 826 that was not attended by other employees.

The eight resident relations specialists, three inspectors and receptionist work in the headquarters office, which is located in Building 826. These employees wear office attire and do not have uniforms or lockers. There is one large area in Building 826 with

thirteen cubicles where the inspectors and residential relations specialists work.⁸ The inspectors are responsible for conducting inspections of units before residents move in or out of the property. Inspectors' time is split between the office and the various residential units.⁹ The resident relations specialists spend most of their time in the office. According to their job description, resident relations specialists are responsible for coordinating the placement of new military families moving to the post. Resident relations specialists also initiate maintenance work orders in response to resident requests and follow up with the residents after the work has been completed. Most of the resident relations specialists have served as inspectors at some point, though the record does not disclose the frequency of this interchange, and have spent some time at the residential units. The receptionist checks military families in and out when they arrive in the office and performs administrative support for the general manager and community manager. The record does not reflect whether the receptionist spends any time at the residential units conducting inspections. The inspectors, residential relations specialists and receptionist do not use maintenance tools or power tools in their jobs. Employees employed out of Building 826 take their breaks and lunch in the conference room or kitchen in Building 826 or at their homes.

The schedulers, like the employees in the petitioned-for unit, work out of Building 1318. Unlike the employees in the petitioned-for unit, schedulers do not have uniforms or lockers; they work in office attire. Schedulers' work is primarily clerical in nature, including inputting information into a computer, printing information out from the computer system, tracking information and filing. Schedulers use office equipment rather than maintenance tools to perform their work duties. The record does not disclose

⁸ The record does not reflect whether the receptionist works in one of the cubicles or at a separate reception area.

⁹ The record is silent as to the amount of time inspectors spend at the residential units and at the office.

whether schedulers take their lunch or breaks with employees in the petitioned-for unit. Schedulers do not use the break room or conference room in Building 826.¹⁰

The maintenance department employees have somewhat different hours from the employees working under Community Manager/Supervisor Fraser. Maintenance is staffed at all times by at least one employee. Most of the maintenance workers work from 7:00 a.m. until 4:30 p.m. with an hour break for lunch. Two maintenance workers work from 3:00 p.m. until 11:00 p.m. and one maintenance employee works from 11:00 p.m. until 7:00 a.m. In contrast, the office at Building 826 is generally staffed Monday – Friday from 8:00 a.m. until 5:00 p.m. (with an hour for lunch), and Saturday from 10:00 a.m. until 4:00 p.m. During the busy summer season the office is open from 7:00 a.m. until 6:00 p.m. (with staggered starting and ending times for employees).

The Employer has a standard benefit package for all employees at Fort Irwin that includes holiday pay, vacation, sick pay, bereavement, a 401(k) plan, health insurance and life insurance. As the Employer has been operating at Fort Irwin since only March 1, 2004, there is no evidence establishing a past practice regarding wage increases.

All of the employees at issue are paid on an hourly basis and fill out timesheets each day in the building (either 826 or 1318) where they work. Currently, the hourly pay ranges for the classifications at issue are as follows:

PETITIONED-FOR CLASSIFICATIONS	CLASSIFICATIONS SOUGHT TO BE ADDED BY EMPLOYER
Turnover specialist 1 \$13 - \$15	Scheduler \$15 - \$17
Turnover specialist 2 \$15 - \$17	Residential relations specialist \$15 - \$18

¹⁰ The record does not disclose what hours the schedulers work.

Turnover specialist 3 \$17 - \$20	Inspector \$15 - \$18
Self help attendant \$15 - \$17	Receptionist \$13 - \$15
Maintenance technician \$20 - \$22	
Senior maintenance technician \$23 - \$26	

The Employer hosted a potluck event at Building 826 in March 2004 that was open to all employees.

(2) DIFFERENCES IN THE TYPES OF WORK AND THE SKILLS OF EMPLOYEES

The employees in the petitioned-for unit are required to have “high school education and/or technical skills training.” These employees are also required to have a working knowledge of the basic maintenance tools required to perform their job duties. With the exception of turnover specialists 1 and the self help attendant, the petitioned-for employees must have an understanding of HVAC systems, household appliances, multi-family residential maintenance and familiarity with electricity, plumbing and carpentry. In addition to the above skills, the maintenance technician and senior maintenance technician are required to have an HVAC universal recovery certification. The physical demands of all petitioned-for unit employees include: lifting, carrying, pushing or pulling 20-50 lbs; climbing ladders, stairs, scaffolding, and ramps; frequent stooping, kneeling and crouching; and the ability to frequently use their hands to grasp, seize and turn items. The majority of the petitioned-for unit employees’ time (with the exception of the self help attendant) is spent performing maintenance tasks at the residential units. As for their job duties, all of the employees in the petitioned-for unit are required to learn the duties on the make ready checklist. With the exception of the self help attendant, the employees in the petitioned-for unit are responsible for servicing appliances, plumbing and electrical fixtures, repairing and replacing old and faulty parts, re-keying locks and conducting cor-

rective maintenance. This maintenance includes, among other things, plumbing, carpentry, electrical, laying tile floors, repairing counters, setting cabinets, patching and hanging drywall, and repairing air conditioning units. The self help attendant services residents who wish to make self help repairs, logs transactions with residents and repairs or submits for replacement old and faulty equipment.¹¹

Inspectors, resident relations specialists and receptionist

The inspector, resident relations specialist and receptionist positions all require a high school diploma or its equivalent. Each of these classifications requires strong customer service, communication and organization skills. The receptionist position further requires a working knowledge of Microsoft computer programs such as Word, Excel and Power Point. The physical demands of these positions are characterized as “light” in the job descriptions, which require the ability to: frequently sit, stand, walk, extend arms and hands forward and overhead, finger and grasp; occasionally bend, crouch or stoop; lift and carry up to 25 lbs; and to see close up and at a distance and adjust focus. The inspectors are responsible for scheduling and conducting inspections of units before residents move in or out of the property and assessing fees to the residents for damages they caused. Inspectors also complete the final inspection checklist that lists items requiring the attention of the maintenance department. Resident relations specialists are responsible for coordinating the placement of new military families moving to the post and initiate maintenance work orders in response to resident requests, and follow up with the residents after the work has been completed. Most of the resident relations specialists have served as inspectors (and vice versa) at some point and have spent some time at the residential units. The record does not disclose the frequency of this interchange. Employees in these two classifications also maintain the waiting list for open units. The receptionist is responsible for primarily clerical duties such as answering phones, assisting the public,

¹¹ The self help attendant job description was created after the filing of the petition.

assisting visitors to the office, helping the resident relations specialists with organizing resident files, ordering and maintaining name plate signs for new and existing residents and signing out keys to maintenance staff.¹² The record does not reflect whether the receptionist spends any time at the residential units conducting inspections.

Schedulers

According to the job description,¹³ schedulers are required to have a high school education and secretarial skills. Like other maintenance department employees, schedulers are required to have a working knowledge of basic maintenance tools required to perform maintenance, and are required to have an understanding of HVAC systems, household appliances, multi-family residential maintenance and familiarity with electricity, plumbing and carpentry. The scheduler position does not have the same physical demands or requirements as the employees in the petitioned-for unit. The only physical requirements listed are “those that must be met by an employee to successfully perform the essential functions of the job.” According to the job description, schedulers are responsible for coordinating work orders, dispatching emergencies, tracking work order progress, scheduling and dispatching daily work orders, tracking all installed appliances, entering data from completed work orders into the system and filing the information, among other duties. Schedulers are also responsible for assisting in serving the self help customers and completing out-processing for soldiers with regard to self help. The record does not disclose what percentage of the schedulers’ time is spent on these different responsibilities.

¹² Other office staff employees will sign out keys when the receptionist is not available.

¹³ The schedulers are called “work order dispatchers” on the job description that was provided by the Employer. The Employer created this job description after the petition in the instant case was filed.

(3) FUNCTIONAL INTEGRATION

Inspectors, resident relations specialist and receptionist

The inspectors, resident relations specialists and receptionist are somewhat integrated into the Employer's maintenance operations. During the office hours of Building 826, customer requests for maintenance are directed to a resident relations specialist.¹⁴ If the resident relations specialist is not able to solve the resident's problem over the phone, the resident relations specialist will enter a maintenance work order into the computer. Resident relations specialists are also responsible for fielding calls from residents inquiring about the status of their maintenance requests. The resident relations specialist will usually contact the scheduler to follow up, but on occasion might contact the maintenance worker directly. The resident relations specialist is responsible for getting back to the resident with the requested information about the status of the order. After an order is completed, the Employer attempts to contact residents to ensure they were satisfied. While this would generally be the job of the resident relations specialists, it can be performed by anybody in the office depending upon workload.

Inspectors and turnover specialists are both involved in the Employer's procedures for repairing and renovating residential units between the time residents move out and new residents move in. Inspectors are responsible for meeting with residents two times before they move out to assess any damages that the resident may have caused and any required maintenance for the unit on a move-out inspection checklist. Maintenance Supervisor Motley picks up the move-out inspection checklists and assigns them to two-member turnover specialist teams. Turnover specialists then conduct their own inspection of the units, with a greater focus on maintenance. Their checklist includes checking electrical outlets, appliances, plumbing, faucets, and all facets of the unit. Turnover specialist

¹⁴ The record reflects that there is maintenance staff on duty 24 hours each day but was silent as to how work orders or after hours maintenance emergencies were communicated to the evening or graveyard shift maintenance employees.

Karcic estimated that approximately 98% of the time the turnover specialists' inspection finds items not listed on the move-out checklist. After conducting the inspections, the turnover specialists perform the necessary maintenance. After the maintenance is completed, an inspector meets with the incoming resident(s) to inspect the unit and complete a move-in checklist. While General Manager Rick Wimer testified that there might be instances where an inspector would contact maintenance during a move in inspection and stay at the unit to discuss the maintenance problem with a maintenance technician, he had observed this only sporadically.

The record reflects limited integration of the receptionist into the maintenance functions of the Employer. When maintenance employees have permission to enter a residence to complete a work order, they must drive to Building 826 to sign out a key to that unit. The receptionist usually signs-out the keys, but any other office employees can do so if she is busy. Also, the receptionist is responsible for ordering name plate signs for each residence whenever a new resident moves in.¹⁵ The signs arrive once per week and the receptionist contacts a maintenance supervisor, who usually sends a maintenance employee to pick up the signs and install them on the outside of the units. On the occasions where there is a problem installing a sign, the receptionist may initiate a work order to correct the problem.

Schedulers

The record is unclear as to the extent of the schedulers' integration into the Employer's overall maintenance operations. According to their job description, schedulers are responsible for scheduling incoming work orders and dispatching the daily work order load. The record does not reveal what the term "dispatching" encompasses at the Employer's operations. No evidence was presented as to whether schedulers or the supervisors made the decisions about which work orders were distributed to the different main-

¹⁵ The Employer provides tags for the outside of each residence that have the name and rank of the resident.

tenance technicians. There was no evidence regarding what percentage of time schedulers spent on “dispatching” work orders. The record also did not specify whether scheduler Sheryl Bronson, who reports to Maintenance Supervisor Ronnie Motley, has any responsibilities with respect to “dispatching” work orders since Motley’s team does not respond to work orders, but rather inspects and repairs units after residents move out. Maintenance technicians pick up each day’s work orders from a manila folder with their name on it from the area adjacent to the schedulers’ desks, however maintenance technician Karcic testified that he would have no interaction with the schedulers regarding the work orders. The schedulers are responsible for assisting in tracking the status and progress on work orders. If a resident calls in to follow up on a work order request, a scheduler is usually responsible for contacting the maintenance technician to determine the status and/or progress on a work order. The scheduler communicates the information back to an inspector or resident relations specialist, who will then contact the resident with the information. The record did not establish how frequently this type of follow up happens. When maintenance technicians complete work orders, they return them to a tray on the desk of one of the schedulers, Midi Lopez. While the job description states that schedulers are responsible for inputting the information from the completed work order into the computer system, there was no evidence reflecting whether scheduler Sheryl Bronson assisted in this process. According to the job description, schedulers’ functions are somewhat integrated into the self help process. Schedulers assist the self help attendant in serving the self help customers, complete the out-processing for soldiers who use the self help center, and enter self help tracking data onto a spreadsheet. With respect to the maintenance that occurs during the turnover of units, schedulers become involved when turnover specialists have a maintenance issue with a unit still pending when they finish. At that time, the turnover specialist will initiate a work order and give it to the scheduler for entering into the system and assigning. When there is an urgent maintenance need, a scheduler will call a maintenance technician or turnover specialist team in the field for notification of the need. The maintenance technician or turnover specialist team will then respond to the emergency, returning to the prior job upon completion of that task.

**(4) THE EXTENT OF CONTACT AND INTERCHANGE BETWEEN
EMPLOYEES**

There is limited contact among the employees within the petitioned-for unit, with the exception of the turnover specialists who work in two-person teams. Other than the self help attendant, all of the employees in the petitioned-for unit report to building 1318, pick up work assignments for the day, and then drive to the residential units that they will be working on that day. A majority of their time is spent alone, or working with a partner. The employees in the petitioned-for unit attended maintenance meetings during the month prior to the hearing on Monday, Wednesday and Friday mornings.

Inspectors, resident relations specialists and receptionist

The record also reflects limited contact between the employees in the petitioned-for unit and the inspectors, resident relations specialists and the receptionist. The record establishes that maintenance technicians and turnover specialists often visit Building 826 to sign-out keys when they need to enter a unit.¹⁶ While signing out keys is listed as the receptionist's job responsibility, the record reflects that other employees in Building 826 sign out keys to the maintenance workers when the receptionist is not available. At times, maintenance employees will also go to Building 826 to pick up the weekly delivery of name plate signs for the residential units from the receptionist. Other than these incidences, the record disclosed only sporadic contact between employees in the petitioned-for unit and inspectors, residential relations specialists and the receptionist. Resident relations specialists will at times directly contact a maintenance employee to inquire about the status of a project. Also, inspectors at times contact maintenance employees during a move-in inspection with an incoming resident, perhaps to correct a problem that they dis-

¹⁶ Maintenance technician Karcic (who primarily works with work orders generated by residents) testified he obtained keys from Building 826 approximately 10-11 times per week. Turnover specialist Perkins (who primarily works on units after residents have moved out) testified that he frequently had to obtain keys from Building 826 at the beginning of the operation when there were many glitches, but it is uncommon now.

cover during the inspection or that had been discovered during the final inspection with the prior tenant and had not been corrected. There has been no temporary or permanent interchange between the employees in the petitioned-for unit and the inspectors, resident relations specialists and receptionist.

Schedulers

The record reflects limited daily contact between employees in the petitioned-for unit and schedulers. Maintenance technician Frank Karcic testified that he picks up his work orders near the schedulers' desks, but only exchanges social greetings and does not discuss his work with them. The record also reflects that on occasion, schedulers will call maintenance technicians or turnover specialists directly in the field to obtain a status report on a work order or to inform them of an urgent situation that needs to be addressed promptly. There is no evidence of any temporary or permanent interchange between the schedulers and any of the employees in the petitioned-for unit.

(5) BARGAINING HISTORY

There is no bargaining history between the parties. The Employer commenced its operations at Fort Irwin in March 2004.

C. CONCLUSION

In light of the foregoing, I conclude that inspectors, resident relations specialists and the receptionist do not share such a community of interest with the petitioned-for employees so as to require their inclusion in the unit. With respect to schedulers, I find that the record is insufficient to determine whether they are sufficiently integrated into the Employer's maintenance functions to require their inclusion in the unit.

Inspectors, resident relations specialists and receptionist

Concerning the inspectors, resident relations specialists and the receptionist, I find that their integration into the Employer's maintenance operations is too limited to require their inclusion in an appropriate unit. There has been no permanent interchange and there is no temporary interchange between the inspectors, resident relations specialists and receptionist and the petitioned-for unit employees. These employees are not part of the maintenance department and perform many tasks unrelated to maintenance, such as maintaining the resident waiting list, coordinating placement of new families, providing new resident orientations, and processing new residents into and out of the units. *Skyline Distributors*, 319 NLRB 270, n.2 (1995) (separate maintenance unit appropriate where there was no evidence of interchange between maintenance and sanitation groups, each had its own working foreman, maintenance provided with tools and uniforms and do not regularly work with sanitation employees), enfd. in relevant part *Skyline Distributors v. NLRB*, 99 F.3d 403 (D.C. Cir. 1996). The inspectors, resident relations specialists and receptionist work out of a different building and are supervised by a different manager than the petitioned-for unit employees. Employees in Building 826 have different working hours and days of work than those employees in the maintenance department. The contact between maintenance workers needing to sign out keys and the receptionist or other Building 826 employees does not require substantial interaction, even though it occurs on a daily basis. The other instances of direct contact between Building 826 employees and those in the petitioned-for unit, such as the weekly dispensing the name plate signs, the occasional following-up on the status of a work order and the notification of existing maintenance issues during move-in inspections, do not indicate frequent and substantial interaction between employees in these classifications. *Weldun International*, 321 NLRB 733, 735 (1996) (various clerical positions found properly excluded from production and maintenance unit where contacts with production and maintenance employees did not require substantial interaction or were limited in frequency) enfd. in relevant part *NLRB v. Weldun Intern., Inc.*, 165 F.3d 28 (6th Cir. 1998). Unlike the petitioned-for unit employ-

ees who use maintenance tools to perform their jobs, the inspectors, resident relations specialists and the receptionist use office equipment and computers to perform their job duties. Moreover, the resident relations specialists and receptionist spend almost all of their time in the office as opposed to the maintenance technicians and turnover specialists who spend almost all of their time at the residential units that they work on. *Bradley Steel, Inc.*, 342 NLRB No. 22, slip op. at 2 (June 30, 2004) (detailers who spent majority of their time in separate area performing specialized functions, had minimal contact, used different tools and were separately supervised and did not perform “physical work” were not properly included in production unit).

The record does not support a finding that the inspectors, resident relations specialists and the receptionist are plant clericals. They work in and out of Building 826, which is more than one-half mile from the building that houses the maintenance employees. In discussing the distinctions between plant clericals and office clericals, the Board noted, “[t]he only clarity that appears from an analysis of the Board decisions is that if there is an office separated from the production area and in which there are clericals working, those are invariably office clericals.” *Broyhill & Associates*, 298 NLRB 707, 712 (1990) (citation omitted). According to their job descriptions, the principal duties and functions of these Building 826 employees are separate and distinct from the Employer’s maintenance operations. The inspectors’ primary responsibility is to perform move-in, move-out and pre-inspections for military families. Inspectors schedule and complete the inspections and assess damages and cleaning fees to be recouped from the resident. While inspectors report items that they discover requiring maintenance, there is no evidence that identifying needed maintenance is one of the inspectors’ principal duties. After receiving the inspector’s checklist, the turnover specialists conduct their own complete inspection of the units to determine what work needs to be done. Usually, the turnover specialists will find maintenance issues that were not caught by an inspector. The resident relations specialists’ primary responsibility is to coordinate the placement of new military families moving to the post. With respect to maintenance, resident relations specialists simply take

the resident's calls and enter the work order into the computer if they are unable to help the resident resolve the problem over the phone. Resident relations specialists will also contact residents to ensure they are satisfied with the maintenance. Out of eight bullet points of the position's essential functions on the job description, only one is related to maintenance. Finally, the receptionist is primarily responsible for checking in and checking out military families that arrive at the office and providing administrative support to management. Ordering name plate signs for the units and signing out keys to maintenance employees are clearly not the principal function of the receptionist.

I find the cases cited by the Employer with respect to quality control employees to be distinguishable from this case. The record contains no evidence that the inspectors, resident relations specialists and the receptionist are quality control personnel that are functionally integrated into the maintenance unit. There is no evidence that the inspectors ever check the work performed by maintenance employees for quality. Rather, the record reflects that the inspectors would contact maintenance during a pre-inspection meeting with a new tenant if they noticed an item on a checklist that had not been corrected or if the inspection turned up something else that was not working which needed fixing. Similarly, there is no evidence that residential relations representatives ever inspect the work of maintenance employees to ensure its quality. Rather, the record reflects that resident relations representatives perform a customer service function by calling residents to ensure customer satisfaction with the service.

Schedulers

While I find that their job duties are more closely integrated into the Employer's maintenance operations than those of the other three classifications the Employer seeks to

include,¹⁷ there is insufficient record evidence to establish whether schedulers share a sufficient community of interest with the other employees to require their inclusion in an appropriate unit. The record does not reflect whether there had ever been any temporary or permanent interchange between schedulers and the rest of the petitioned-for unit. Neither scheduler was called to testify about her job duties and responsibilities. The turnover specialist and maintenance technician both testified that they had little interaction with the schedulers and provided very little insight into the schedulers' job duties. The job description provided by the Employer for this position is entitled "work order dispatcher" and was created after the instant petition was filed. While the job description states that schedulers dispatch work orders, there was no testimony covering the schedulers' process for dispatching the work orders, making it difficult to determine whether the schedulers here are akin to dispatchers in other cases. The record likewise does not reflect whether both schedulers dispatched work orders, or only the scheduler Lopez, who works for the supervisor with responsibility for completing work orders. The record was also silent as to the percentage of time the schedulers spent on the different tasks listed in their job description. Because there is insufficient record evidence to determine whether an appropriate unit must include schedulers, I find that the two schedulers may vote subject to challenge, if they desire to do so.

¹⁷ They work out of the same building and are part of the maintenance department. Schedulers share common supervision with the employees in the petitioned-for unit and are paid at a rate that overlaps with pay scales of other employees in the petitioned-for unit. Schedulers generate and play some role in distributing the work orders, and occasionally call maintenance technicians and/or turnover specialists if there is an emergency or they need to follow up on a work order. When maintenance technicians complete the work orders, they return them to scheduler Midi Lopez's desk to input into the system.

DIRECTION OF ELECTION¹⁸

I shall conduct an election by secret ballot among the employees in the unit found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. There are approximately 27 employees in the petitioned-for unit, as well as two schedulers who may vote subject to challenge, and approximately twelve employees in the three remaining classifications requested for inclusion by the Employer.

ELIGIBLE TO VOTE: Those in the unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off, are eligible to vote. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls.

INELIGIBLE TO VOTE: Employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced are ineligible to vote.

¹⁸ In accordance with Section 102.67 of the Board's Rules and Regulations, as amended all parties are specifically advised that I will conduct the election when scheduled, even if a request for review is filed, unless the Board expressly directs otherwise.

Those eligible shall vote whether they desire to be represented for collective bargaining purposes by **INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 543, AFL-CIO.**

LIST OF VOTERS

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that an election eligibility list, containing the **FULL** names and addresses of all the eligible voters, must be filed by the Employers with me within 7 days of the date of the Decision and Direction of Election. The list must be of sufficiently large type to be clearly legible. This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election, only after I have determined that an adequate showing of interest among the employees in the unit found appropriate has been established.

In order to be timely filed, such list must be received in the Regional Office, 11150 West Olympic Blvd., Suite 700, Los Angeles, California 90064-1824, on or before, November 5, 2004. No extension of time to file this list may be granted, nor shall the filing of a request for review operate to stay the filing of such list except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission. Since the list is to be made available to all parties to the election, please furnish a total of 2 copies, unless the list is submitted by facsimile, in

which case no copies need be submitted. To speed the preliminary checking and the voting process itself, the names should be alphabetized (overall or by department, etc.).

RIGHT TO REQUEST REVIEW

A request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570, under the provision of Section 102.67 of the Board's Rules and Regulations. This request must be received by the Board in Washington by November 12, 2004.

DATED at Los Angeles, California this October 28, 2004.

James J. McDermott, Regional Director
National Labor Relations Board
Region 31